

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE DELTA DENTAL ANTITRUST LITIGATION

CIVIL ACTION NO.

1:19-cv-06734

**DEFENDANT DELTA DENTAL PLANS ASSOCIATION'S
NOTICE OF RELATED CASE**

Pursuant to the Initial Case Management Order (“CMO”) entered by the Court on November 25, 2019 (Dkt. 95), Defendant Delta Dental Plans Association (“DDPA”), through its undersigned counsel, hereby submits this Notice of Related Case.

On November 26, 2019, the following case was filed in the U.S. District Court for the Northern District of Illinois: *American Dental Association, et al. v. Delta Dental Insurance Company, et al.*, Case No. 1:19-cv-07808 (the “ADA Complaint”). The plaintiffs in the ADA Complaint are represented by: Robert A. Clifford, Shannon M. McNulty, and Kristofer S. Riddle of the Clifford Law Offices, P.C.; and Scott Martin, Michael P. Lehmann, Megan E. Jones, Michael D. Hausfeld, and Swathi Bojedla of Hausfeld LLP. The case has been assigned to the Honorable John J. Tharp, Jr. A true and correct copy of the ADA Complaint is attached hereto as Exhibit A.

The ADA Complaint alleges nearly identical claims to those brought in the instant action. Like the complaints that have been consolidated before this Court, the ADA Complaint alleges antitrust violations based on claims of “market allocation, output restraint and suppression of compensation,” *see* ADA Complaint (Ex. A), ¶ 167, and it similarly purports to bring the case as a putative class action on behalf of “[a]ll Delta Dental Providers, not owned or employed by any

of the Defendants, that provide dental goods or services to Delta Dental insureds pursuant to a Delta Dental insurance policy within the United States,” *id.* ¶ 152. Furthermore, the ADA Complaint also names the same 54 Delta Dental defendants that were originally named in the cases consolidated here, plus three additional defendants.

Under the CMO, the consolidated complaint filed with this Court “shall serve as the operative class action complaint, and the Defendants shall not be required to answer or otherwise respond to any other class action complaint filed to date or transferred into this Court.” *See* CMO (Dkt. 95), ¶ 18. Accordingly, pursuant to the CMO, we hereby notify the Court and Plaintiffs of this related case and respectfully request the ADA Complaint to be consolidated with the instant action.

Dated: November 27, 2019

Respectfully submitted,

/s/ Britt M. Miller

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2019, I caused a true and correct copy of the foregoing DEFENDANT DELTA DENTAL PLANS ASSOCIATION’S NOTICE OF RELATED CASE to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Britt M. Miller

Britt M. Miller